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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/680,269  | 10/07/2003  | Tyler J. Dembicks    | 6053-94             | 6354             |
| 30448   | 7590        | 07/11/2005           | EXAMINER            |                  |
| AKERMAN SENTERFITT<br>P.O. BOX 3188<br>WEST PALM BEACH, FL 33402-3188 |             |                      | SANDY, ROBERT JOHN  |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3677                |                  |

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/680,269

Applicant(s)

DEMBICKS, TYLER J.

Examiner

Robert J. Sandy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

5.02

### DETAILED ACTION

This final Office action is in response to the reply filed 29 April 2005 (cert. of mail date).

Claim 13 has been canceled.

Claim 34 has been added.

Claims 1-6, 8, 9, 14-17, 22, and 27-30 have been amended.

Claims 1-12 and 14-34 are pending.

### *Claim Objections*

Claims 1, 5-9, 14, 15, 16, 27, and 34, are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Applicant's stated that new claim 34 was added to positively claim the "at least one pin". The language of "further comprising at least one pin . . ." in claim 34 positively claims the additional component of the "at least one pin". However, claim 34 is a redundant claim since claim 1 was amended to include the language of "wherein the at least one pin **extends** from the at least one body to assist in the attachment . . .", which positively claims the "at least one pin" by the term "extends" in claim 1. In claim 1, since "the at least one pin cavity extends from [the] body", it is clear that claim 1 requires the structural combination of elements of requiring a crimp and at least one pin. Therefore, for the purposes of this Office action, the limitations of the subject matter required in claims 5-9 and 14 each have been considered in view of a positively recited *at least one pin* in combination of with a crimp.

In claim 1, line 5, the phrase "the at least one body" should be changed to - - the body - - since "a body" has been established in the line 2 of claim 1.

In claim 15, bridging lines 6 and 7, the phrase "the at least one body" should be changed to - - the body - - since "a body" has been established in the line 2 of claim 15.

In claim 16, line 3, the phrase "the at least one cavity" should be changed to - - the at least one fishing line receiving cavity - -.

In claim 27, line 5, the phrase "the at least one pin cavity" should be changed to - - the pin cavity - - since "a pin cavity" has been established in the same line 5 of claim 27.

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In claim 27, bridging lines 5 and 6, the phrase "the at least one body" should be changed to - - the body - - since "a body" has been established in the line 2 of claim 27.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5, 15, 17, 18, 27, 28, 30 and 34, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Carlson (U.S. Patent No. 5,022,178). Carlson ('178) discloses a crimp (See Figs. 6 and 7) comprising: a body (76') having at least one fishing line receiving cavity (one of bores 84, 86 is capable of being a fishing line receiving cavity) extending through the body and adapted to receive at least two diameters of a fishing line (80); and at least one pin cavity (bore 88 is capable of receiving a pin) adapted to receive at least one pin (68), the at least one pin (68) extending from the body;

(concerning claims 2, 15 and 28) the at least one line cavity extending through the body is formed from two opposing sidewalls (sidewall portions having crimp detents 94, 96) shaped to receive two diameters of a fishing line having a substantially cylindrical cross-section;

(concerning claims 4, 17 and 30) the at least one fishing line receiving cavity two cavity includes two cavities (84, 86) having cylindrical cross-sections (shown in Fig.7);

and, (concerning claims 5 and 18) the one pin extends parallel to a longitudinal axis of the body. (Examiners' note: Regarding claims 1 and 27, recitation of "a fishing line" is recognized as an intended use of the claimed crimp, and therefore is not a required component of the claimed crimp. Furthermore, the device of Carlson ('178) is structurally capable of functioning with a fishing line.)

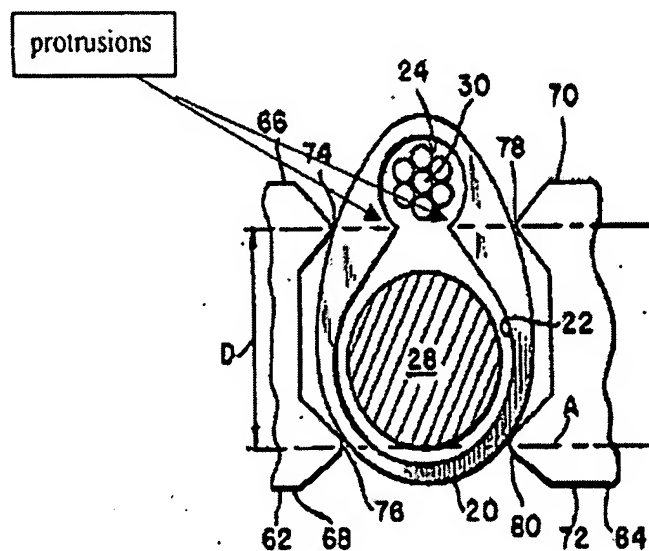
Claims 1-3, 5, 12, 15, 16, 18, 25, 27-29, 33, and 34, are rejected under 35 U.S.C. 102(b) as being anticipated by Luongo (U. S. Patent No. 3,916,517). Luongo ('517) discloses a crimp (see Fig. 1-7, Fig. 6 provided herein), comprising: a body (20)

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having at least one fishing line receiving cavity (24, 96, is capable of being a fishing line receiving cavity) extending through the body and adapted to receive at least two diameters of a fishing line; and at least one pin cavity (22, 94 is capable of receiving a pin) adapted to receive at least one pin (28), the at least one pin (28) extending from the body;

(concerning claims 2, 15, 27 and 28) the at least one line cavity extending through the body is formed from two opposing sidewalls (48, 50, or sidewall portions having crimp detents 94, 96) shaped to receive two diameters of a fishing line having a substantially cylindrical cross-section;

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## FIG. 6

(concerning claims 3, 16 and 29) each of the two opposing sidewalls comprise at least one protrusion (see Fig. 6 above) for positioning a generally cylindrical fishing line in the at least one fishing line receiving cavity;

(concerning claims 5 and 18) the at least one pin extending from the at least one body extends generally parallel to a longitudinal axis of the body (see Fig. 1); and

(concerning claims 12, 25 and 33) the body comprises at least one of aluminum, bronze and stainless steel (see col. 2, line 62, "bronze, aluminum").

(Examiners' note: Regarding claims 1, 15 and 27, recitation of "a fishing line" is recognized as an intended use of the claimed crimp, and therefore is not a required component of the claimed crimp. Furthermore, the device of Luongo ('517) is structurally capable of functioning with a fishing line.)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 11, 23, 24, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over either of Carlson ('178) or Loungo ('517). Each of Carlson ('178) and Loungo ('517) discloses the claimed crimp except for wherein:

(concerning claims 10, 23 and 31) wherein the body has a length between about 0.25 of an inch and 1.0 inch; and (concerning claims 11, 24 and 32) wherein the body has a length of about 0.35 of an inch. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the respective bodies of Carlson ('178) or Loungo ('517) to have a length between about 0.25 of an inch and 1.0 inch; and wherein the body has a length of about 0.35 of an inch since a change in, or determination of a size is generally within routine skill in the art adequate for the claimed device to perform its structural purpose of securing an article, or a plurality of article in the cavities.

Claims 12 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson ('178) in view of Schrader et al. (U. S. Patent No. 5, 162,615). Carlson ('178) discloses the claimed crimp except for wherein the body is comprised of at least one of aluminum, bronze and stainless steel. Schrader et al. ('615) shows a crimp having a body made of "an aluminum based

material” (col. 3, line 61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have made the body of the crimp disclosed by Carlson ('178) of aluminum, as taught by Schrader et al.(615) since Schrader et al. recognized that aluminum is a well known material for used for extrusion-form crimps and is easily malleable.

Claims 19-24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over either of Carlson ('178) or Luongo ('517).

Concerning claims 6-9, and 19-22, either Carlson ('178) or Luongo ('517) disclose the claimed crimp except for specific pin dimensions wherein the pin has the dimensional characteristics of: “wherein the at least one pin has a diameter between about 0.015 of an inch and about 0.045 of an inch” (claim 6); “wherein the at least one pin has a diameter of about 0.03 of an inch”; “wherein the at least one pin extends from the crimp between about 0.5 of an inch and about one inch.” (claim 7); “wherein the at least one pin extends from the crimp between about 0.5 of an inch and about one inch” (claim 8); and “wherein the at least one pin extends from the crimp between about 0.75 of an inch.” (claim 9). It would have been obvious matter of design choice to one of ordinary skill in the art at the time the invention was made to have had the at least one pin, of the crimp of Luongo ('517), to have a diameter between about 0.015 of an inch and about 0.045 of an inch, and/or of about 0.03 of an inch since applicant has not disclosed that these specific pin characteristics solve any stated problem or is of any particular purpose, and determining a size of a component in an assembly is generally recognized as being within the level of ordinary skill in the art.

Concerning claims 10, 11, 23, 24, 31 and 32, either of Carlson ('178) or Luongo ('517) disclose the claimed crimp except for specific body length having the dimensional characteristics of: “wherein the body has a length between about 0.25 of an inch and 1.0 inch”; and “wherein the body has a length of about 0.35 of an inch.” It would have been obvious matter of design choice to one of ordinary skill in the art at the time the invention was made to have had the length of the body of either of the crimps of Carlson ('178) or Luongo ('517), to be between about 0.25 of an inch and 1.0 inch; and/or about 0.35 of an inch, since applicant has not disclosed that these body dimensions solves any stated problem or is of any particular purpose, and it appears that having the pin of at least of a copper material would operate the pin as an conductor,

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or of stainless steel material would enhance the pin to be resistant to corrosion. Furthermore, determining a size of a component in an assembly is generally recognized as being within the level of ordinary skill in the art.

Concerning claims 14 and 26, either of Carlson ('178) or Luongo ('517) discloses the claimed crimp except for: wherein the at least one pin comprises at least one of copper and stainless steel. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided either pin of Carlson (1'78) or Luongo ('517) of a copper, or stainless steel material since applicant has not disclosed that these materials solves any stated problem or is of any particular purpose, and it appears that having the pin of at least of a copper material would operate the pin as an conductor, or of stainless steel material would enhance the pin to be resistant to corrosion.

### ***Response to Arguments***

Applicant's arguments with respect to claim rejections under 35 U.S.C. 102, 103(a) indicated in the prior Office have been considered but are moot in view of the new ground(s) of rejection necessitated by amendment.

In regards to applicant's remarks to the claim objections indicated in the prior Office action, see section labeled "***Claim Objections***" of this Office action.

In view of applicant's amendment to claims 17 and 22, the rejection under 35 U.S.C. 112, second paragraph, has been withdrawn.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

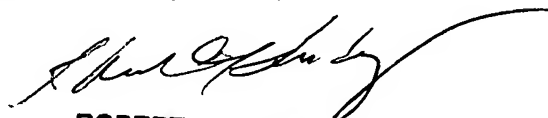


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 571-272-7073. The examiner can normally be reached on Monday through Friday between 8 am – 4:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ROBERT J. SANDY**  
**PRIMARY EXAMINER**

Robert J. Sandy  
Primary Examiner  
Art Unit 3677